

TOWN BOARD MEETING

February 16, 2005

Supervisor Pagones opened the Regular Town Board meeting at 9:30 am, Town Hall, 807 Route 52, Fishkill, New York and led the audience with the "Pledge of Allegiance".

Present: Supervisor Joan A. Pagones; Town Board members, Steve Ferguson, Ronald Leenig, Heather Malvarosa, Dennis Zack; Town Attorney, Ronald Blass; Town Engineer, John Andrews; Paul Gromkowski, Housing Director; Christopher Colsey, MDD; Susan McGuire, Personnel; Paula Sarvis, Assessor; Robert Wheeling, Comptroller; Debbie Davis; Robert Feldman, Esq.; Steve Turk; Eugene Ninnie, PC; Robert Chiulli; Nick Dellaportis; Azem Albra, Sgt. John Miller; and Town Clerk, Darlene Bellis

ANNOUNCEMENTS

Secretary to Supervisor - Pamela Garnot

Supervisor Pagones announced that she is appointing Pamela Garnot as her new Secretary.

Senior Deputy Town Clerk - Becky Tompkins

Supervisor Pagones announced that effective February 28, 2005 Becky Tompkins will be the new Senior Deputy Town Clerk.

APPROVAL OF MINUTES

Supervisor Pagones advised the Board that the minutes for February 02, 2005 and February 11, 2005 Bid Opening - Access Control Systems were distributed for their review and she would entertain a motion to approve said minutes.

Motion made by Councilwoman Malvarosa **to approve the minutes as submitted by the Town Clerk stated above.** **Seconded** by Councilman Zack

All Ayes

Motion Carried

PRESENTATION(s) / DISCUSSION(s)

Robert Chili's Rezone application

Eugene Ninnie made his presentation reviewing the proposed rezoning which is located off Old Route 9.

John Andrews stated at the last meeting the Town Board deemed the application complete, but items needed to be addressed and an updated EAF needed to be submitted, a quick review of the updated EAF has addressed his concerns and lead agency circulation can be done.

Motion made by Councilman Ferguson **to declare the Board's intent to be lead agency and to circulate such notification to the involved agencies.** **Seconded** by Councilman Leenig

All Ayes

Motion Carried

MOTION(s) TO APPROVE/ADOPT

100% Wind Energy Proposal

Bob Wheeling, Comptroller, stated that by going with 100% wind energy the Town is under the 2005 project budget, it follows the state schedule, it supports New York State, it is environmentally conscious, it looks at cutting the cost, and Mr. Wheeling can't think of a reason why not to go 100% wind energy.

Councilman Zack stated there were a couple of articles in the Journal News entitled "Irvington government buildings to be powered by wind" (**copies attached to original minutes**).

Supervisor Pagones read (**copy attached to original minutes**) resolution approving and authorizing the Supervisor to execute propose agreement to purchase electric power delivered to the relevant power grid and made a **Motion to approve the agreement and authorize the Supervisor to execute proposed agreement. Seconded** by Councilman Ferguson

Roll Call	Councilman Ferguson	aye
	Councilman Leenig	aye
	Councilwoman Malvarosa	aye
	Councilman Zack	aye
	Supervisor Pagones	aye

Motion Carried

Bonding/Contract - Route 52 property

Town Attorney, Ronald Blass, reviewed the Short Environmental Assessment form for the purchase of lands of Fox Ridge Associates of \$430,000, bonded over a period of time.

Supervisor Pagones read (**copy attached to original minutes**) the negative declaration for the purchase acquisition of lands of Fox Ridge Associates.

Motion made by Councilman Zack **to approve the negative declaration as submitted. Seconded** by Councilwoman Malvarosa

Roll Call	Councilman Ferguson	aye
	Councilman Leenig	aye
	Councilwoman Malvarosa	aye
	Councilman Zack	aye
	Supervisor Pagones	aye

Motion Carried

Supervisor Pagones read (**copy attached to original minutes**) a resolution approving and authorizing the Supervisor to sign the proposed contract purchasing vacant land consisting of 2.65+/- acres situated at the intersection of NYS Route 52 and Millholland Drive West.

Motion made by Councilman Zack to approve and authorize the Supervisor to execute a proposed agreement for the purpose of conveying the parcel to the Town - vacant land consisting of 2.65 +/- acres situated at the intersection of NYS Route 52 and Millholland Drive West. **Seconded** by Councilman Ferguson

Roll Call	Councilman Ferguson	aye
	Councilman Leenig	aye
	Councilwoman Malvarosa	aye
	Councilman Zack	aye
	Supervisor Pagones	aye

Motion Carried

Amendment to bond resolution - court doors
Not ready - hold to march meeting

Petition for Brinckerhoff Water

Town Engineer, John Andrews, stated that they received a request from a homeowner on Old State Road requesting to hook up to the Brinckerhoff water, their own private well could be contaminated and wishes to connect to Brinckerhoff Water District. They are in the service area and will be served as out-of-district tenants. It is appropriate for the Town Board to authorize the connection of this house based on the contaminated water and empower counsel and myself to take the necessary steps to have the contracts prepared.

Motion made by Councilman Ferguson to authorize the connection of the house on Old State Road as out-of-district tenant based on the contaminated water and empower the Town Attorney and Town Engineer, to take the necessary steps to have the contract prepared. **Seconded** by Councilman Leenig

All Ayes
Motion Carried

Appointment of Johnson Controls

Supervisor asked where the town is with this item.

Town Engineer, John Andrews, stated they received two responses, one from Johnson Control Inc. and one from Ameresco Inc., the RFP is a procurement process where competitive selection is based on qualification and best value, not on price. There is no price element involved here. This is a one stop shop (sort of speak) the energy performance services which include construction provisions, long term monitoring, the net result is a must be savings to the Town of Fishkill. Both proposals respond to the requirement for the RFP, there is no clear cut decision, from his standpoint, it is the discretion of the Board in this matter, both comply with the RFP, both appear to be capable to perform the work, and it comes down to which one affords the best value to the Town.

Town Attorney, Ronald Blass stated the resolution should be subject to a satisfactory contract, contract which is satisfactory to the Town Board.

Motion made by Councilman Ferguson **to accept the proposal of Johnson Controls for the provision of energy performance services in the Town of Fishkill and further that the Supervisor be empowered to enter into negotiations with Johnson Controls for the project performance contract covering such services.** **Seconded** by Councilman Leenig

Roll Call	Councilman Ferguson	aye
	Councilman Leenig	aye
	Councilwoman Malvarosa	aye
	Councilman Zack	aye
	Supervisor Pagones	aye

Motion Carried

Fishkill Landing at the Waterfront DEIS

Supervisor Pagones read (**copy attached to original minutes**) memo from Theodore Fink, AICP in regards to Fishkill Landing at the Waterfront DEIS.

Supervisor Pagones read (**copy attached to original minutes**) resolution determining the Draft EIS incomplete - Fishkill Landing.

Motion made by Councilman Zack **to determined the Draft EIS as inadequate for public review and will review resubmitted Draft EIS at such time as the applicant has complied with all of the identified deficiencies.** **Seconded** by Councilwoman Malvarosa

Roll Call	Councilman Ferguson	aye
	Councilman Leenig	aye
	Councilwoman Malvarosa	aye
	Councilman Zack	aye
	Supervisor Pagones	aye

Motion Carried

Local Law - Splashdown Park

Supervisor Pagones read (**copy attached to original minutes**) letter from William H. Povall, III, in regards to modification to Splash Down Park

Town Engineer, John Andrews, addressed most of issues in regards to Splash Down Park and made a recommendation that a Negative Declaration be issued in this matter, the Fairy wand item was addressed, concerns relative to traffic was addressed, a red light will be placed on Route 9, quantity and quality controls will be handled, noise issue will be handled during site plan review, and the paper work will be followed up.

Motion made by Councilman Zack **to approve the Negative Declaration for Splash Down Park.** **Seconded** by Councilman Ferguson

All Ayes
Motion Carried

Supervisor Pagones read (**copy attached to original minutes**) a resolution adopting the local law amending the zoning map to change the district designation of certain real property from R-40 to GB.

Motion made by Councilman Zack **to adopt said local law as submitted.**
Seconded by Councilwoman Malvarosa

Roll Call	Councilman Ferguson	aye
	Councilman Leenig	aye
	Councilwoman Malvarosa	aye
	Councilman Zack	aye
	Supervisor Pagones	aye

Motion Carried

Agreement to Spend Town Highway Funds

Supervisor Pagones read (**copy attached to original minutes**) an Agreement to spend Town Highway Funds for 2005.

Motion made by Councilman Zack **to approve the agreement to spend town highway funds in the sum of \$97,000 to be expended for general repairs upon 55 miles of town highways as submitted by Highway Superintendent, Glenn Scofield.** **Seconded** by Councilman Leenig
All Ayes
Motion Carried

Request for application fee refund - William P. Ross

Supervisor Pagones read (**copy attached to original minutes**) a memo from Christopher Colsey advising the Board that William P. Ross is requesting a refund of application fees.

Motion made by Councilman Zack **to approve the refund of unused escrow funds which he is entitled to but not the application fees after all services that have been performed on this project are paid.** **Seconded** by Councilwoman Malvarosa
All Ayes
Motion Carried

Use of Town Hall Parking lot from Roni Fonti - Senior Citizen trip

Table to the March 02, 2005 meeting - no letter or date from individual received.

2005 Service contract from accounting department

2005 Munis service contract submitted by accounting department

Supervisor Pagones read (**copies attached to original minutes**) requesting approval of the 2005 Leasing /Service Agreements as submitted by the Accounting Department.

Motion made by Councilwoman Malvarosa **to approve the 2005 leasing / service agreements as submitted by the accounting Department.**

Seconded by Councilman Zack

All Ayes

Motion Carried

MOTION(s) TO ACCEPT RESIGNATION

Recreation Leader - Becky Tompkins effective 02-25-2005

Motion made by Councilman Zack **to accept the resignation of Becky Tompkins as Recreation Leader effective 02-25-2005.** **Seconded** by Councilwoman Malvarosa

All Ayes

Motion Carried

Deputy Town Clerk - Diana Hunter effective 02-25-2005

Councilman Ferguson read (**copy attached to original minutes**) letter of resignation from Diana Hunter to be effective 02-25-2005 and made a **Motion to accept said resignation.** **Seconded** by Councilman Leenig

All Ayes

Motion Carried

In-School Recreation Personnel

Councilman Zack read (**copy attached to original minutes**) list of In-School personnel to be terminated effective 02-11-2005 and made a **Motion to terminate said personnel.** **Seconded** by Councilwoman Malvarosa

All Ayes

Motion Carried

MOTION(s) TO APPOINT

In-School Recreation Personnel

Councilman Zack read (**copy attached to original minutes**) list of In-School personnel to be appointed effective 02-14-2005 and made a **Motion to appoint said personnel.** **Seconded** by Councilwoman Malvarosa

All Ayes

Motion Carried

Director All Day Camp

Motion made by Councilman Zack **to appoint Amy Patterson as the Director All Day Camp effective 02-21-2005 @ \$12.00/hour.** **Seconded** by Councilwoman Malvarosa

All Ayes

Motion Carried

Assistant Director All Day Camp

Motion made by Councilman Zack **to appoint Chris Mazzuca as the Assistant Director All Day Camp effective 02-21-2005 @ \$11.00/hour.**

Seconded by Councilwoman Malvarosa

All Ayes

Motion Carried

Recreation Leader

Motion made by Councilman Zack **to appoint Lauren McMenemy as the Recreation Leader to replace Becki Tompkins effective 02-14-2005 @ \$12.36/hour. Seconded** by Councilwoman Malvarosa

All Ayes

Motion Carried

Personnel Assistant - Susan McGuire

Motion made by Councilman Ferguson **to appoint Susan McGuire as Personnel Assistant. Seconded** by Councilman Zack

All Ayes

Motion Carried

Part time receptionist - Diana Hunter effective 02-28-2005

Motion made by Councilman Ferguson **to appoint Diana Hunter as part time Receptionist. Seconded** by Councilman Leenig

All Ayes

Motion Carried

Vital Statistics Registrar - Darlene Bellis

Vital Statistics Deputy Registrar - Becky Tompkins

Motion made by Councilman Ferguson **to appoint Darlene Bellis as Vital Statistics Registrar and Becki Tompkins as Deputy Registrar.**

Seconded by Councilwoman Malvarosa

All Ayes

Motion Carried

Voting Machine Custodians - John Lucariello and Ronald Greene

Motion made by Councilman Ferguson **to appoint John Lucariello and Ronald Greene as Voting machine custodians. Seconded** by

Councilwoman Malvarosa

All Ayes

Motion Carried

BUDGET TRANSFERS

Motion made by Councilwoman Malvarosa **to approve the budget transfers as submitted as follows:**

Recreation \$ 1,500	to cover additional cost of using Brinckerhoff School for Summer Camp
Recreation \$ 6,500	to cover cost of 3 rd session In-School Recreation
Comptroller \$4,171	to cover cost of mapping system with projected revenue
Comptroller \$63,418	to reclass wages and benefits to Personnel Dept

(copies attached to original minutes)
Seconded by Councilman Zack
All Ayes
Motion Carried

NEW and OLD BUSINESS

Councilwoman Malvarosa

The Animal Disaster plan is in the information and resource gathering stage. The Dog Show Off #2 will be held at Slater Chemical Fire House and this is a new location.

The Dial-a-ride is in a form of revamping and contacting the municipalities.

Councilman Zack

The Hunts Development letters went out this week.

On March 03rd, there will be two meetings one at 9:30 am and one at 7:30 pm for Hunts Development area people.

Councilman Ferguson

New Police cars are here.

There will be a meeting with the Disaster Committee to update the book.

Councilman Leenig

Attended the planning board meeting where the Lilac Project was addressed and noticed letters were being handed out with misinformation. He restated to everyone that this board is dedicated to open space and that this proposal is a win/win situation. Everyone walked away happy that evening.

Supervisor Pagones

Glad to announce there is going to be a light installed in this season's construction to be located on Route 82 near Elmcrest and Brinckerhoff School.

PRIVILEGE OF THE FLOOR FOR PUBLIC COMMENTS

Motion made by Councilman Zack **to go into the privilege of the floor for public comments.** **Seconded** by Councilman Leenig

All Ayes

Motion Carried

Azem Albra stated the Board spoke about wind power and that the Governor needed an executive order to do that, he stated that he noticed a couple of towns did not do that because of the state law, is that correct?

Supervisor Pagones answered no that is not correct and asked the Town Attorney to respond.

Town Attorney, Ronald Blass, stated there is not state law which prohibits this contract otherwise we would not be doing it. The issue that hit the paper was whether or this person had the power to bid.

Azem Albra then stated he noticed the Town is fixing a road, and asked what the process for getting a road fixed is a local road like his road.

Councilman Zack answered the Highway Superintendent, this particular road here was during the summer, and the highway department was straightening out the drainage problem that was there. The highway department put new drain pipes in, widen some areas and what they are doing is resurfacing what was all torn up over there. That is all under contracted items.

Supervisor Pagones informed Mr. Albra that each and every year the Highway Superintendent decides which roads he will take on in that year.

Councilman Zack stated that if Mr. Albra's road has a problem, he will send the Highway Superintendent down to check the road out to see if it needs resurfacing. He stated that in the Siscar development, there is drainage problem and there are two residents that are refusing to give the Town easements to correct those problems. If the two residents gave the easement to the town, we could solve this drainage problem down there and resurface everything.

Azem Albra asked what the salary would be for the Human Resource person. Supervisor Pagones answered the same salary, there is no fiscal impact.

Regular Order of Business

Motion made by Councilwoman Malvarosa **to go back into the regular order of business.** **Seconded** by Councilman Ferguson

All Ayes

Motion Carried

EXECUTIVE SESSION

Motion made by Councilman Zack **to go into executive session.**

Seconded by Councilman Ferguson

All Ayes

Motion Carried

Executive session at 10:18 am

Regular Order of Business

Motion made by Councilman Zack **to go back into the regular order of business. Seconded** by Councilman Ferguson

All Ayes

Motion Carried

Regular order of business at 10:38 am

Enter into Consent Judgment - Olde Post Mall

Supervisor Pagones read (**copy attached to original minutes**) resolution authorizing David D. Hagstrom, Esq. to enter into a Consent Judgment brought by Olde Post Mall Apartments from 1997 through 2004.

Motion made by Councilman Ferguson **to approve the resolution to authorizing David Hagstrom to enter into a Consent Judgment as requested. Seconded** by Councilman Zack

All ayes

Motion Carried

Access Control Systems bid recommendation

Town Engineer, John Andrews, recommended the bid be awarded to

Not ready for this recommendation

ADJOURNMENT

Motion made by Councilman Zack **to adjourn the meeting. Seconded** by Councilman Ferguson

All Ayes

Motion Carried

Meeting adjourned at 10:40 am

Respectfully submitted,

Darlene Bellis,
Town Clerk